

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 6-12 and 14-18 are pending in this application. Claims 1 and 9 are independent. Claims 1-4, 6-12 and 14-16 are hereby amended. Claims 5 and 13 have been canceled without prejudice or disclaimer of subject matter. Claims 17 and 18 are new. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-6, 8-12, 14 and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2005/0028208 to Ellis, et al. in view of U.S. Patent No. 6,175,860 to Gaucher.

Claims 7 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2005/0028208 to Ellis, et al. in view of U.S. Patent No. 6,175,860 to Gaucher and further in view of U.S. Patent No. 6,501,516 to Clapper.

Claim 1 recites, *inter alia*:

“...determination means for determining whether the selection information indicates information that has been recorded previously by the apparatus having functions of recording and playing programs and for designating a point for which to begin playback when the determination means determines the information has been recorded previously as a function of the selection information.

wherein the apparatus prepares for playing in accordance with the designation and transmits an acknowledgement, and

wherein, when the acknowledgement is confirmed, playback is ready to begin...” (emphasis added)

As understood by Applicants, U.S. Publication No. 2005/0028208 to Ellis, et al. (hereinafter, merely “Ellis”) relates to an interactive TV guide with remote access.

As understood by Applicants, U.S. Patent No. 6,175,860 to Gaucher (hereinafter, merely “Gaucher”) relates to implementing a wireless/wired computer network in an indoor environment with inherent reliability using a master network box connected to an AC power network and a master computer generates an RF field around the computer, the home, and AC power network .

Applicants submit that nothing has been found in Ellis or Gaucher, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Ellis and Gaucher fail to teach or suggest determination means for determining whether the selection information indicates information that has been recorded previously by the apparatus having functions of recording and playing programs and for designating a point for which to begin playback when the determination means determines the information has been recorded previously as a function of the selection information, wherein the apparatus prepares for playing in accordance with the designation and transmits an

acknowledgement, and wherein, when the acknowledgement is confirmed, playback is ready to begin, as recited in claim 1.

Therefore Applicants submit that claim 1 is patentable. Furthermore, Applicants submit that claim 9 is also patentable for similar reasons.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

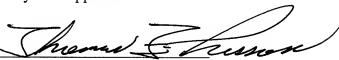
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,  
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